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In re Application of
ITO, Takeshi et al.
Application No.: 10/527,710
PCT No.: PCT/JP03/11689
Int. Filing Date: 12 September 2003
Priority Date: 13 September 2002
Attorney's Docket No.: KUZ-0022
For: ADHESIVE PATCH

DECISION

This is a decision regarding applicants' response to Notification of Missing Requirements, filed 30 August 2005.

BACKGROUND

On 12 September 2003, applicants filed international application PCT/JP03/11689, claiming a priority date of 13 September 2002. On 25 March 2004, a copy of the international application was transmitted to the Office by the International Bureau. The deadline for entry into the national stage in the United States was midnight 13 March 2005.

On 11 March 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee.

On 22 April 2005, applicants filed a declaration naming the first named inventor as Takeshi Ito.

On 04 August 2005, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required. It further indicated that the first named inventor on the declaration was Takeshi Ito, but the first named inventor on the international application was Ken Ito and a recording of a change was not present in the file.

On 30 August 2005, applicants filed a response indicating that they had filed a request for a recording of a change with WIPO.

DISCUSSION

Under 37 CFR 1.41(a)(4), the inventorship of the international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis.

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The record does not reflect any such changes under Rule 92*bis* during the international stage. A request for a recording of a change is not sufficient.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Attention is directed to MPEP §605.04(c) and the requirement for a petition under 37 CFR 1.182 contained therein, if there has been a change of name. If applicants' 92*bis* request has been granted, applicants can forward the Form PCT/IB/306 indicating the recording of a change.

CONCLUSION

A proper response as indicated above must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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